

September 15, 2025

VIA EMAIL ONLY

Margaret A. Skelton
Mary Haasl
Ratwik, Roszak & Maloney, P.A.
444 Cedar St Ste 2100
Saint Paul, MN 55101
mas@ratwiklaw.com;
mmh@ratwiklaw.com

VIA EMAIL ONLY

Melissa Zimmerman
2525 Stony Creek Dr
Owatonna, MN 55060
owatonnaeastsidecorridor@gmail.com

VIA EMAIL ONLY

Matt Sennott
2519 Stony Creek Dr
Owatonna, MN 55060
owatonnaeastsidecorridor@gmail.com

Re: *In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman vs Steele County*
CAH 22-0305-40882

Dear Parties:

Enclosed and served upon you please find the **NOTICE OF PROBABLE CAUSE DETERMINATION, AND ORDER FOR PREHEARING CONFERENCE** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7845, samantha.cosgriff@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,


SAMANTHA COSGRIFF
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman,

vs.

Steele County.

**NOTICE OF PROBABLE CAUSE
DETERMINATION, AND
ORDER FOR PREHEARING
CONFERENCE**

On May 30, 2025, Owatonna East Side Corridor Residents¹ (Complainants) filed a Data Practices Complaint (Complaint) with the Court of Administrative Hearings alleging that Steele County (County) violated the Minnesota Government Data Practices Act (MGDPA or Act).² Due to the form of the Complaint the assigned Administrative Law Judge made a preliminary probable cause determination, and required Complainants to file an amended version.³ Complainants' amended filings were served on the County on July 16, 2025.⁴ On July 25, 2025, the County filed a request for an extension of the deadline for their response to the Complaint.⁵ That request was granted, and the County timely filed an Answer to the Complaint on August 15, 2025.⁶

The Complainants represent themselves in this matter pro se. Mary Haasl and Margaret Skelton, Ratwik, Roszak & Maloney, P.A., appear on behalf of the County.

Based upon the record, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge issues the following:

ORDER

1. Probable cause exists to believe the County has committed the following violations of the MGDPA, which shall proceed to a hearing:

a. Charging a fee for inspection of public data, in violation of Minn. Stat. § 13.03, subd. 3, in response to an October 25, 2024 data request.

¹ Complaint (May 30, 2025) at 3 (Complainants describe themselves as "representing a group of 60+ residents").

² Minn. Stat. §§ 13.01–.99 (2024).

³ Order Ensuring Expedited Service of Complaint Under Minn. Stat. § 13.085, subd. 2(d) (Jun. 3, 2025) (a more detailed discussion of the procedural posture is included in the attached Memorandum).

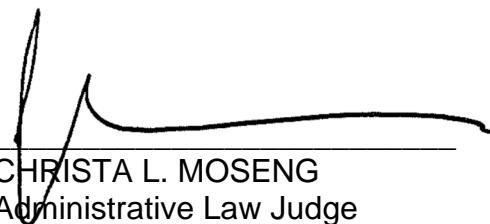
⁴ Complainant Affidavit of Service (Jul. 18, 2025).

⁵ Motion to Extend Deadline to File a Response (Jul. 25, 2025).

⁶ Notice of Motion and Motion to Dismiss (Aug. 15, 2025); Order Granting Extension for Time to File a Response (Aug. 1, 2025) (Extending the County's deadline for filing a response to the Complaint to August 15, 2025, pursuant to Minn. Stat. 13.085, subd. 2(f) (2024).).

- b. Failure to establish a procedure, consistent with the Act, to insure that all requests for government data are received and complied with in an appropriate and prompt manner, in violation of Minn. Stat. § 13.03, subd. 2(a).
2. All other requests for relief and statutory violations alleged in the Complaint and Amended Supporting Documentation are hereby **DISMISSED**.
3. The County's motion for a more definite statement is **DENIED**.
4. Details of the hearing, and all related deadlines and procedural requirements, will be ordered separately.

Dated: September 15, 2025



CHRISTA L. MOSENG
Administrative Law Judge

MEMORANDUM

I. Procedural History

Complainants initially filed their Data Practices Complaint (Original Complaint) on May 30, 2025.⁷ That filing included over 500 un-numbered pages of supporting arguments and exhibits, and alleged a wide variety of statutory violations outside the MGDPA and this Court's jurisdiction.⁸ As a result, the undersigned ordered that 1) any alleged violations of rules or statutes outside Minnesota Statutes Chapter 13 were dismissed for lack of probable cause under Minn. Stat. § 13.085, subd. 3(a)(1); and (2) that Complainants remove irrelevant portions of the attachments; identify materials relevant to probable cause under the MGDPA, and file an amended complaint and attachments.⁹ Finally, the order stayed the County's deadline for filing a response until the amended complaint was filed and served.¹⁰ Complainants' made their amended filings (Amended Supporting Documentation) on June 17, 2025, and served it on the County on July 16, 2025.¹¹ On July 25, 2025, the County filed a request for an extension of the deadline for their response to the Complaint.¹² That request was granted, and the County timely filed an Answer to the Complaint on August 15, 2025.¹³

⁷ Data Practices Complaint (May 30, 2025).

⁸ See Order Ensuring Expedited Service of Complaint (Jun. 3, 2025).

⁹ Order Ensuring Expedited Service of Complaint at 2.

¹⁰ Order Ensuring Expedited Service of Complaint at 2.

¹¹ Complainant MGDPA Complaint and Supporting Evidence (Jun. 17, 2025) (Amended Supporting Documentation); Complainant Affidavit of Service (Jul. 18, 2025).

¹² Motion to Extend Deadline to File a Response (Jul. 25, 2025).

¹³ Notice of Motion and Motion to Dismiss (Aug. 15, 2025); Order Granting Extension for Time to File a Response (Aug. 1, 2025) (Extending the County's deadline for filing a response to the Complaint to August 15, 2025, pursuant to Minn. Stat. 13.085, subd. 2(f) (2024).).

II. Facts and Data Requests

Complainants are a group of residents of Owatonna, Minnesota, who have organized for the purpose of advocacy regarding a road construction project along the eastern edge of the city, the East Side Corridor Project (Project).¹⁴ Complainants have made numerous requests for data about the Project from Steele County. The Amended Complaint focuses on data requests made by the Complainants to the County between October 2024, and May 2025.¹⁵

A. October 25, 2024, Data Request (Emails Data Request)

On October 25, 2025, the Complainants sent the following formal data request for inspection of:

Any and all email correspondence since 2019 related in any way to the East Side Corridor (ESC) project, 29th Ave, East Beltline Study, and infrastructure on the E. Side of Owatonna, going to, from and between:

- County commissioners
- County staff
- City council members
- City staff
- 3rd parties (including but not limited to WSB)
- To and from any of the above and members of the public.

In addition, please provide any and all documents, studies, and information related to the East Side Corridor (ESC) project, 29th Ave, East Beltline study, and infrastructure on the E. Side of Owatonna *not currently (as of today) on the public-facing county website*: <https://eastsidecorridor-wsbeng.hub.arcgis.com>

This would include but is not limited to information used in determining the purpose and need for the East Side Corridor, 29th Ave East beltline study and infrastructure on the E. Side of Owatonna. Also, any information and documentation related to commercial developments in the area of the proposed East Side Corridor “preferred route” and “study area”. This also includes any and all email correspondents between the City and county officials, staff and third parties.¹⁶

Renae Fry, the Steele County Administrator, confirmed receipt on the same day.¹⁷ Follow-up communications over the next two months focused on organizing rolling inspections of data that the County hoped to produce “in waves.”¹⁸

¹⁴ See Complaint at 3.

¹⁵ Amended Supporting Documentation at 1-165.

¹⁶ Exhibit (Ex.) 4. (All citations to Exhibits refer exclusively to the Exhibits included in the Amended Supporting Documentation.).

¹⁷ Amended Complaint at 4.

¹⁸ Ex. 5.

Complainants provided direction on the parts of their request that they hoped to be able to review first, including prioritizing emails between specific staff and contractors.¹⁹ On December 16, 2025, Robert Jarrett—the Steele County Attorney and Responsible Authority for the County under the MGDPA—emailed the Complainants stating that an initial data set for the prioritized data included “7600+ items” and that they hoped to have an initial set prepared for review in the next week.²⁰

On December 27, 2025, County Attorney Robert Jarrett informed the Complainants that an initial partial set of data was ready for review.²¹ He also stated that since the request was for inspection of “data only,” the County would not allow the Complainants to make copies themselves or take any pictures – and that the County’s fee schedule for copies would apply to any photographs taken.²²

Difficulties in completing inspections of the data followed. There were technical problems on the County’s side²³ as well as scheduling confusion and conflicts between the parties.²⁴ On February 14, 2025, County Attorney Jarrett informed the Complainants that a second batch of 763 pieces of data were ready for review.²⁵ Another update on March 11, 2025, stated that the County still had approximately 1000 items to be reviewed for the next batch of responsive data.²⁶ As of May 2025, the County had provided the initial sets of communications between the County and the contracted engineering firm prioritized by Complainants, but no other information regarding the rest of the requested data is included in the record.²⁷

B. January 13, 2025, Data Request (Engineering Proposals Data Request)

On January 13, 2025, Complainants sent a formal data request to the County for “copies of the professional engineering service proposals for the East Side Corridor.”²⁸ On January 16, 2025, County Attorney Jarrett responded informing Complainants that their request was ready and that copies would cost \$12.50 for the 50 pages total.²⁹

C. March 31, 2025, Data Request (Joint Transportation Committee Data Request)

On January 31, 2025, Complainants emailed County Administrator Fry stating that they were looking for “the meeting minutes from the Joint Transportation Committee meeting referenced in the board meeting minutes.”³⁰ As County Administrator Fry was on vacation, County Attorney Jarrett replied on February 4, 2025, that “Steele County does

¹⁹ Ex. 5 at E-76.

²⁰ Ex. 5 at E-73.

²¹ Ex. 5 at E-72.

²² Ex. 6 at E-84-E-85.

²³ Ex. 5.

²⁴ Amended Supporting Documentation at 16-17.

²⁵ Amended Supporting Documentation at 26; Ex. 10.

²⁶ Ex. 5 at E-63.

²⁷ Amended Supporting Documentation at 49-50.

²⁸ Ex. 33.

²⁹ Amended Supporting Documentation at 55.

³⁰ Ex. 39 at E-215.

not maintain those minutes" and could not provide them.³¹ Complainants stated County Administer Fry and the Owatonna City Clerk described the Joint Transportation Committee as an "ad hoc" "quarterly City of Owatonna staff meeting."³²

On March 31, 2025, Complainants sent a formal data request to the County stating:

I am requesting any and all information regarding the Joint Transportation Committee including but not limited to:

When was it created?

Why was it created?

Who created it?

What is its purpose?

What are the by-laws or operating procedures?

How many members?

Member names and terms?

When does it meet?

Attendance information?

What projects and initiatives has it worked on?

Financial information and budget impacts?

Committee's charter or purpose and any amendments?

Minutes, Agendas, Files, Accounts, and any other documents that a governmental body is required to maintain?

And any other information that may pertain to the Joint Transportation Committee.³³

On April 1, 2025, County Attorney Jarrett responded that the March 31, 2025 request "is not a data request" and the MGDPA did not require government entities to "answer specific questions, to create data, or to reorganize data into a particular format in order to answer questions."³⁴ County Attorney Jarrett stated the March 31, 2025 request would be closed.³⁵ Complainants sent a second version of the data request, essentially identical but without the use of question marks, to the County on April 2, 2025.³⁶ Despite multiple emails from Complainants later that month regarding the second request, the County did not respond.³⁷

D. April 2, 2025, Data Request (Noise Studies Data Request)

On April 2, 2025, Complainants made a data request for inspection of:

all noise studies conducted for the East Side Corridor (ESC) project that were initiated on or after January 1, 2020. This includes, but is not limited

³¹ Ex. 39 at E-213.

³² Amended Supporting Documentation at 58-59.

³³ Ex. 37 at E-205.

³⁴ Ex. 40.

³⁵ Ex. 40.

³⁶ Ex. 38.

³⁷ Amended Supporting Documentation at 62-65.

to, initial assessments, updated analyses, modelling data, and any related reports or documentation. Please provide both draft and final versions, along with any supporting materials used in these studies.³⁸

On April 10 and 14, 2025, Complainants followed up with emails requesting a response to their request.³⁹ On April 18, 2025, County Attorney Jarrett replied that no responsive data exists, and that the request would be closed.⁴⁰

E. April 9, 2025, Data Request (Funds Transfer Data Request)

On March 27, 2025, Paul Sponholz, the County Engineer for Steele County, wrote to the Southeast Minnesota Area Transportation Partnership discussing an award of \$3,960,000 in "STBGP funding for the East Side Corridor Project" (ESC) that Steele County had received for 2026.⁴¹ The letter requested that the County be allowed to "transfer these funds to another eligible project, the CSAH 48 Main Street (SAP 074-648-008) project for fiscal year 2026."⁴² The Agenda for the Steele County Board meeting on April 8, 2025, lists "East Side Corridor Federal Funding Transfer Request (Informational) (pg. 65)" as an item on the general agenda.⁴³

On April 9, 2025, Complainants sent a data request for inspection of "any and all information relating to the transfer of federal funds from the ESC to the Main St. Project. This includes all documentation, emails, written correspondence, text messages, government records, audio or video recordings, and any other data related to the transfer of these funds. Person of correspondence may include but are not limited to ATP members, Paul Sponholtz, Sean Murphy, and County Commissioner, City council, County Administrator, and City Administrator."⁴⁴

On April 10, 2025, County Attorney Jarrett confirmed receipt, stating that the County would "begin this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready."⁴⁵ On April 14, 2025, County Attorney Jarrett sent a second email regarding the Funds Transfer Data Request, stating:

[t]his is not a data request as it is vague and calls for answers to questions. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government

³⁸ Ex. 42.

³⁹ Ex. 43.

⁴⁰ Ex. 43 at E-268 (Based on further emails included in the record it does appear that more recent noise studies had been reviewed by or were in the possession of staff of the Minnesota Department of Transportation. Nothing in the record indicates whether Complainants have requested that data from the Department of Transportation.).

⁴¹ Ex. 19 at E-125.

⁴² Ex. 19 at E-125.

⁴³ Ex. 22 at E-131.

⁴⁴ Ex. 50 at E-283.

⁴⁵ Ex. 51.

entities to answer specific questions, to create data, or to reorganize data into a particular format in order to answer questions. This request will be closed.⁴⁶

Complainants sent requests for further explanation of this reply on April 10 and 14, 2025, and received no response.⁴⁷

F. May 6, 2025, Data Request (Codes and Policies Data Request)

On May 6, 2025, Complainants made a data request for inspection of:

1. Any current Code of Conduct applicable to county officials, employees, or board/commission members. 2. Any adopted Code of Ethics governing the actions and responsibilities of county personnel or officials. 3. Steele County's Conflict of Interest Policy for elected officials, employees, and appointed representatives.”⁴⁸

County Attorney Jarrett responded on May 8, 2025, saying “Received. This will be added to the current list of requests made by your group. Estimated this fall/winter.”⁴⁹ Complainants replied that their request was only for “existing, public-facing documents” and stating that the timeline presented seemed unreasonable as a result.⁵⁰ The County did not respond to that email.

G. May 6, 2025, Data Request (County and Township Communications Data Request)

Complainants sent a second data request on May 6, 2025, requesting inspection of:

any and all correspondence, meeting notes, emails, letters, or other communications between Steele County and any township or township officials regarding the East Side Corridor (ESC) project or related annexation matters. This includes, but is not limited to:

- Objections or concerns raised by township representatives
- Records of township approvals, statements of support, or formal positions
- Internal or external memos discussing township responses
- Any documentation regarding the orderly annexation agreement, including discussions related to specific parcels
- Documentation and notes from any meetings occurring with the township

⁴⁶ Ex. 52 at E-291.

⁴⁷ Amended Supporting Documentation at 80-81.

⁴⁸ Ex. 53 at E-292.

⁴⁹ Ex. 54 at E-297.

⁵⁰ Ex. 54 at E-297; Amended Supporting Documentation at 83-84.

The timeframe for this request is from January 1, 2021, to the present.⁵¹ On May 8, 2025, County Attorney Jarrett replied with “Received. This will be added to the current list of requests made by your group. Estimated this fall/winter.”⁵²

H. May 15, 2025, Data Request (Data Preservation Request)

On May 15, 2025, Complainants emailed County Attorney Jarrett stating that:

Pursuant to the Minnesota Government Data Practices Act (MGDPA), Minn. Stat. Chapter 13, I am formally requesting that Steele County ensure the preservation and continued accessibility of all government data that meets the following criteria:

1. Created, sent, received, or otherwise accessed by Paul Sponholz, County Engineer, between January 1, 2021 and the day after his final day of employment with Steele County;
2. Any data stored in accounts, devices, drives, or applications associated with his county role (including personal devices used for county business);
3. Any data shared with or received from Paul Sponholz, whether internally (e.g., staff, commissioners, consultants) or externally (e.g., WSB, MnDOT, SE Minnesota ATP, FHWA, etc.);
4. Any government data Paul Sponholz possessed, created, or maintained that may be held by third-party consultants or contractors acting on behalf of Steele County.⁵³

A follow up email, sent on June 2, 2025, explicitly stated that this “[d]oes not request copies at this time, but rather confirmation that the data will be preserved in full. Please confirm by June 2, 2025, that appropriate data preservation measures have been put in place and that Steele County is in compliance with this request.”⁵⁴

On June 3, 2025, County Attorney Jarrett replied, saying “I can confirm receipt. I will be replying more about data being available from the initial request. We also received your data complaint. We will continue to respond to the data requests in the order in which they were received.”⁵⁵

I. May 29, 2025, Data Request (Traffic Data Request)

Finally, on May 29, 2025, Complainants made a data request for:

1. Any and all traffic studies, reports, or raw traffic count data for Shady Avenue and Crestview Lane NE, with a particular focus on truck traffic volumes (e.g., counts, classifications, or percentages of heavy vehicles)

⁵¹ Ex. 55 at E-298.

⁵² Ex. 56 at E-303.

⁵³ Ex. 58 at E-306-E-307.

⁵⁴ Ex. 58 at E-305-E-307.

⁵⁵ Ex. 58 at E-305.

currently using these roads. Please include the most recent data available, as well as historical data if relevant for comparison.

2. Any projections, impact analyses, or modeling related to the East Side Corridor (ESC) that estimate or forecast how truck traffic on Shady Ave and Crestview Ln NE would be reduced or diverted if the ESC is built. This includes traffic modeling results, assumptions used, summary tables, and visualizations or GIS data if available.
3. If no such analysis exists regarding projected truck traffic reduction due to the ESC on these roads, please provide documentation showing that the roads were considered (or not considered) in the ESC traffic impact modeling.⁵⁶

A reply from attorney@steelecountymn.gov was sent that same day, stating "We received the data request. We have several ESC requests pending, so this will be added to the pending requests. If the data exists, it will not be completed until this fall due to current volume of requests."⁵⁷ Complainants sent two follow-up emails on May 29, 2025, discussing the reasons behind the request and their desire for an appropriate and prompt response.⁵⁸

On June 10, 2025, County Attorney Jarrett provided a full response to the May 29, 2025, Traffic Data Request, stating:

We do not have any documentation related to this data request. As such, the request will be closed. A response from Paul:

All we have is staff recollection of numerous phone calls of complaints over the years, and comments received from the public during the East Side Corridor public meetings. Also, I reviewed the state traffic counts, they don't show anything on their website traffic mapping application.⁵⁹

III. Probable Cause Standard

A complaint alleging a violation of the MGDPA where a complainant is seeking an order to compel compliance may be filed with the Court of Administrative Hearings.⁶⁰ Upon the filing of a data practices complaint, the Administrative Law Judge must conduct a probable cause review.⁶¹ If the Administrative Law Judge determines that the complaint and any timely response do not present sufficient facts to believe that a violation occurred, the complaint must be dismissed.⁶² However, if the Administrative Law Judge determines

⁵⁶ Amended Supporting Documentation at 99.

⁵⁷ Ex. 59 at E-309.

⁵⁸ Ex. 59 at E-308-E-309.

⁵⁹ Ex. 59 at E-308 ("Paul" refers to Paul Sponholz, former Steele County Engineer).

⁶⁰ Minn. Stat. § 13.085, subd. 2 (2024).

⁶¹ *Id.*, subd. 3.

⁶² *Id.*, subd. 3(a)(1).

that the complaint and response present sufficient facts to believe that a violation of the MGDPA has occurred, the Administrative Law Judge must schedule a hearing.⁶³

At this stage, the Administrative Law Judge is required to make a preliminary probable cause determination, distinct from a final order on the merits.⁶⁴ The purpose of a probable cause determination is to ascertain whether, given the facts submitted by the parties, it is fair and reasonable to hear the matter on the merits.⁶⁵ The Administrative Law Judge's function in a probable cause determination is simply to determine whether the initial facts presented establish a reasonable belief that the governmental entity committed a data practices violation.⁶⁶

IV. Analysis

A. General Standards Under the MGDPA

The MGDPA provides that all government data collected, created, or maintained by a government entity shall be public unless classified by statute or federal law as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.⁶⁷ The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use.⁶⁸

Upon request, a responsible authority or designee shall provide copies of public data.⁶⁹ When a government entity stores data electronically it must provide data electronically to any person making a request for a copy of the data if it reasonably can make a copy or have a copy made.⁷⁰ If the government entity determines that the requested data is not public, the agency must inform the person of the determination orally or in writing, and cite the particular statutory section, temporary classification, or provision of federal law on which the determination is based.⁷¹ A government agency must respond to a request for data "in an appropriate and prompt manner."⁷²

B. Complainant Requests for Relief

The Complainants' filings contain a large variety of requests for relief and allegations of violations of the MGDPA spread across both the Original Complaint and

⁶³ *Id.*, subd. 3(a)(2).

⁶⁴ *Id.*, subds. 3-4.

⁶⁵ See *Weinberger v. Maplewood Review*, 668 N.W.2d 667, 674 (Minn. 2003) ("[I]n civil cases probable cause constitutes a *bona fide* belief in the existence of the facts essential under the law for the action and such as would warrant a person of ordinary caution, prudence and judgment, under the circumstances, in entertaining it.") (quoting *New England Land Co. v. DeMarkey*, 569 A.2d 1098, 1103 (Conn. 1990)) (internal punctuation omitted); see also *State v. Florence*, 239 N.W.2d 892, 903-04 (Minn. 1976) (explaining the operation of the probable cause standard in a criminal context).

⁶⁶ Minn. Stat. § 13.085, subd. 3.

⁶⁷ Minn. Stat. § 13.03, subd. 1.

⁶⁸ *Id.*

⁶⁹ *Id.*, subd. 3(c).

⁷⁰ *Id.*, subd. 3(e).

⁷¹ *Id.*, subd. 3(f).

⁷² Minn. Stat. § 13.03, subd. 2.

the Amended Supporting Documentation. The original Complaint filing includes the following specific requests for relief,⁷³ which are each discussed in turn:

1) Investigate Steele County's MGDPA compliance based on our documented requests and interactions.

The Court of Administrative Hearings is an executive-branch court, created by statute and strictly bound to limited areas of jurisdiction.⁷⁴ What this court may and may not do is defined by the statutory language.⁷⁵

Pursuant to Minn. Stat. § 13.085, the Court of Administrative Hearings is empowered to determine whether or not violations of the MGDPA alleged in a properly-filed complaint have occurred.⁷⁶ This does not mean that this Court can actively investigate data practices violations. Instead, the Administrative Law Judge's decisions must be based on the record created by the parties. For any allegations that proceed to a full hearing, the Administrative Law Judge "must consider any evidence and argument submitted by the parties until the hearing record is closed."⁷⁷ Any investigation beyond consideration of the record, however, is outside this Court's authority, and any request for such action must be denied.

2) Examine whether the Joint Transportation Committee's closed-door activities constitute a violation of transparency requirements.

As discussed above, this Court's authority must be directly drawn from relevant statutory language, and requests for relief in this case must be based on the MGDPA. Since this request does not plead or relate to any alleged violation of the MGDPA by the County it must be denied.

3) Investigate whether staff improperly accessed non-public data or commissioner communications.

The discussion regarding a request for investigation above applies equally here. The Court, and the assigned Administrative Law Judge, cannot engage in active investigations, and decisions must be limited to the case record produced by the parties during these proceedings. Any requested relief beyond what is available under Minn. Stat. § 13.085 must be denied.

⁷³ Complaint at 6.

⁷⁴ See generally Minn. Stat. § 14.

⁷⁵ See, e.g. *Minnesota Internship Ctr. v. Minnesota Dep't of Educ.*, 996 N.W.2d 34, 47 (Minn. Ct. App. 2023), review granted (Jan. 31, 2024), aff'd, 10 N.W.3d 178 (Minn. 2024) ("Administrative agencies are creatures of statute and they have only those powers given to them by the legislature.").

⁷⁶ Minn. Stat. § 13.085, subd. 5(a).

⁷⁷ Minn. Stat. § 13.085, subd. 4(b) (emphasis added).

- 4) **Refer any findings outside your jurisdiction (e.g., retaliation, intimidation of requesters, or misuse of authority, misappropriation) to the appropriate agencies. We have documented behavior that includes obstruction of access, punitive tone in communications, and efforts that appear designed to discourage continued public engagement.**

While Minn. Stat. § 13.085, subd. 5(a)(5) does allow for referral of a complaint “to the appropriate prosecuting authority for consideration of criminal charges” the Court of Administrative Hearings lacks any statutory authority for generalized referrals to other government agencies. All requests for relief beyond the remedies described in Minn. Stat. § 13.085 are denied.

- 5) **Recommend a temporary pause on all active Steele County engineering projects – including but not limited to the ESC, Havana Township Road, the 18th St. roundabout, and others – pending investigation outcomes and complete public data inspection.**

This request does not allege any violations of the MGDPA by the County and is not a form of relief available to the Complainants under Minn. Stat. § 13.085. As a result, it must be denied.

- 6) **Enforce 13.08 Civil Remedies of violations.**

Minn. Stat. 13.08 (2024) defines actions to compel compliance with the MGDPA that are available to the Complainants in district court.⁷⁸ The Court of Administrative Hearings has no authority to enforce Minn. Stat. § 13.08 or to grant any of the forms of relief listed in that section. As a result this request must be denied.

C. Statutory Violations Alleged in Complainants’ Amended Supporting Documentation

Complainants’ Amended Supporting Documentation comprises 78 exhibits and a Microsoft Excel spreadsheet spanning some 163 8.5”x11” landscape-oriented pages and organized as shown in this example:⁷⁹

⁷⁸ Minn. Stat. 13.08, subd. 4(a) (Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision . . . any aggrieved person seeking to enforce the person’s rights under this chapter or obtain access to data *may bring an action in district court* to compel compliance with this chapter.”)(emphasis added).

⁷⁹ Amended Supporting Documentation at 2.

Request: Requesting any and all email correspondence since 2019 related in any way to the East Side Corridor (ESC) project, 29th Ave, East Beltline study, and infrastructure on the E. Side of Owatonna, going to, from and between: Buckeye Excavation Data Request>Data Request\20241075.docx						
231 Days since data request made						
Date	Contact Type	Description	Exhibit Number	Type of Violation	Violation	Notes
12/8/2023	Email	Rebecca Kubicek Reached out to Zimmerman at the Advice of County Administrator Scott Goldberg re: public data requests				
12/8/2023	Email	Back and forth questions were asked and answered				
1/3/2024	Email	Zimmerman placed a data request for the minutes				
1/3/2024	Email	Kubicek responded asking for what times work to view				
1/8/2024	In Person- Data Request	Went to view minutes during normal business hours. Zimmerman was told to take pictures and that it was encouraged.				
9/25/2024	Website	Concerns Regarding the Federal Memorandum and Public Process Steele County has released the "Federal Memorandum," a 61-page document prepared by WSB and the Steele County Engineer Paul Spohnholz, which was submitted to both federal and state agencies for review and approval. Upon review, the document appears to present selectively framed, incomplete, or potentially misleading data in a manner that supports a predetermined outcome. This approach raises concerns about compliance with the National Environmental Policy Act (NEPA) and the Minnesota Environmental Policy Act (MEPA), both of which require a transparent, objective evaluation of all reasonable alternatives to ensure that the most appropriate and publicly accountable decision is made. Despite statutory requirements to hold a public hearing following the identification of a preferred alternative, residents were	Exhibit 1	Public Data	15.17 13.03 Subd 1 13.03 Subd 2(a) 13.05 Subd 5	- Public Data is inaccurate or misrepresented. - Residents were denied the ability to formally tie public data to the project. - Internal emails suggest that Mr. Spohnholz directed WSB on how to frame reports to justify a preferred alternative, rather than allowing objective analysis to guide decision-making. - Repeated iterations of studies are being funded with taxpayer dollars, and project designs are advancing prior to completion of required environmental reviews.

The interactions of the parties over time run from top to bottom, with facts (dates, emails, conversations) listed in the columns on the left, citations to the 78 attached exhibits in the middle, and the alleged MGDPA violations that flow from those facts on the right. The first 101 pages detailing the data requests allege 300+ violations of the MGDPA.⁸⁰ The remaining 61 pages, organized under the headings of Data Obstruction, Public Interactions, Open Meeting Data Violations, County Minutes, Obstruction, and Barriers, allege an additional 200+ statutory violations.⁸¹

As a result of the volume of allegations, their formatting, and the issues discussed below, this order will not individually analyze all 500+ statutory violations listed in the Amended Supporting Documentation. Instead, based on the Administrative Law Judge's review of the record, the analysis will discuss broad categories of claims that will be dismissed for lack of probable cause, and restrict detailed engagement to those claims that will be moving forward to a full hearing.

D. The County's Response

The County's Response, filed on August 15, 2025, took the form of a Motion to Dismiss with a supporting memorandum. The memorandum described the filing as a "Motion to Dismiss Complaint and/or Seek a More Definite Statement" – which accurately reflects the two core sections of the memorandum.

The section discussing dismissal of the Complaint entirely presents a range of arguments regarding why various statutory violations alleged in the Complaint and Amended Supporting Documentation should be dismissed, summarized as follows:

- That there are many allegations of statutory violations that fall outside of this Court's jurisdiction in this matter – such as of Minn. Stat. § 15.17, or Minn. Stat. § 13D.⁸²

⁸⁰ Amended Supporting Documentation at 2–101.

⁸¹ Amended Supporting Documentation at 102–163.

⁸² Memorandum of Law in Support of Steele County's Motion to Dismiss Complaint and/or Seek a More Definite Statement at 2–4 (Aug. 15, 2025) (Response Memo).

- That the Complainants' filings include allegations against entities who are not parties to this case – specifically the City of Owatonna, and associated officials.⁸³
- That some alleged statutory violations are outside the two-year statute of limitations listed in Minn. Stat. § 13.085, subd. 2(b).⁸⁴
- That any dispute of the accuracy or completeness of government data is beyond the scope of this matter and must instead be addressed via separate filings under Minn. Stat. § 13.04.⁸⁵
- That the personal opinions or impressions of County staff are not Government Data as defined by the MGDPA, and that a refusal to provide them to the Complainants is not a violation of the Act.⁸⁶
- That the County's procedure of requiring all of the Complainants' data requests to be made to the County Attorney or County Administrator Fry complies with the requirements of the MGDPA.⁸⁷
- That the County cannot have violated Minn. Stat. § 13.07, as that statute pertains only to the Commissioner of the Department of Administration.⁸⁸
- That the MGDPA does not require data provided in response to a request be organized in any specific fashion, even if the Complainants requested it as such.⁸⁹
- That nothing in the record indicates the County has failed to keep government data in "an arrangement and condition as to make them easily accessible for convenient use" as required by Minn. Stat. § 13.03, subd. 1, and that any alleged violations of that subsection should be dismissed.⁹⁰

Broadly the Administrative Law Judge agrees with the County's analysis regarding the dismissal of the categories of claims discussed in their filing. It is also important to note that none of the violations for which probable cause *has* been found, discussed below, are directly addressed by the arguments listed above.

The second section of the County's memorandum focuses on a request that the Complainants be required to submit a more definite statement.⁹¹ The County argues that the Complainants' filings are fundamentally too vague to be properly responded to, and

⁸³ Response Memo at 4-5.

⁸⁴ Response Memo at 5-6.

⁸⁵ Response Memo at 7-8.

⁸⁶ Response Memo at 8-9.

⁸⁷ Response Memo at 10-11.

⁸⁸ Response Memo at 11-12.

⁸⁹ Response Memo at 13.

⁹⁰ Response Memo at 14-15.

⁹¹ Response Memo at 15-21.

that attempting to do so would require them to “guess as to the basis for the claims,” meaning that “any answer would be based on assumptions as to what the Complainants mean in their Complaint.”⁹² The County requests that the Complainants be ordered to make new filings that outline their claims with greater detail and clarity.⁹³

The procedure detailed in Minn. Stat. § 13.085, subd. 3 is clear – once a complaint and response are filed by the parties, the assigned Administrative Law Judge must, within 20 business days, make a preliminary probable cause determination.⁹⁴ That determination must be based solely on “the complaint and any timely response.”⁹⁵ As discussed above in analyzing the Complainants’ requests for relief, this Court’s authority is strictly bound by statute.⁹⁶ Minn. Stat. § 13.085 does not provide for such motion practice. As a result, the County’s motion for a more definite statement must be denied.

E. Claims Dismissed for Lack of Probable Cause

Complainants allege numerous violations of sections of the MGDPA that cannot be violated by the County.⁹⁷ Examples of these include: § 13.01, defining the scope and applicability of Chapter 13 generally; Minn. Stat. § 13.07, defining the duties of the Commissioner of the Department of Administration with regards to rulemaking and the MGDPA; Minn. Stat. § 13.08, creating a civil cause of action for MGDPA violations in Minnesota District Court; and Minn. Stat. § 13.09, providing for criminal penalties based on willful violations of the MGDPA.⁹⁸ Minn. Stat. § 15.17 is also listed multiple times, which is beyond the scope of a complaint under Minn. Stat. § 13.085.⁹⁹

Complainants’ other alleged violations are duplicative, stemming in part from the extensive, and often combative, communications between the parties. For example, the Amended Supporting Documentation details a series of eight emails between the parties sent between October 28 and November 15, 2024, discussing the Emails Data Request.¹⁰⁰ The four sent by the Complainants all request more information regarding their request, the timeline for a response, and whether there is any input they can provide to speed up the process. The County’s responses all explain that work on the request is ongoing and provide various details about the process and work.¹⁰¹ A separate violation of Minn. Stat. § 13.03, subd. 2(a)—which requires the County to have procedures that ensure “appropriate and prompt” responses to requests for data—is then listed for each of the four County emails. For purposes of this analysis, however, these are four examples of one alleged violation: that the County’s procedure in replying to the data

⁹² Response Memo at 17.

⁹³ Response Memo at 15.

⁹⁴ Minn. Stat. § 13.085, subd. 3(a).

⁹⁵ Minn. Stat. § 13.085, subd. 3.

⁹⁶ *Hibbing Taconite Co. v. Minnesota Dep’t of Nat. Res.*, 17 N.W.3d 160, 169 (Minn. Ct. App. 2025).

⁹⁷ See, e.g. Amended Supporting Documentation at 2.

⁹⁸ See, e.g. Amended Supporting Documentation at 1–50 (This selection of pages details the timeline relating to the Complainants’ first and largest data request, the Emails Data Request. 32 of the 213 violations listed in these pages are of §§ 15.17, 13.01, 13.07, 13.08, or 13.09).

⁹⁹ See, e.g. Amended Supporting Documentation at 2, 30, 35.

¹⁰⁰ Amended Supporting Documentation at 5–6.

¹⁰¹ Amended Supporting Documentation at 5–6.

request under discussion violates Minn. Stat. § 13.03, subd. 2(a). Such repetitions appear throughout the filing.

Finally, many of Complainants' alleged statutory violations are too vague or conclusory to support a determination that probable cause has been shown. For example, Complainants allege violations of Minn. Stat. §§ 13.03, subd. 1, 13.05, and 13.43, subd. 2(a)(3) based on a Memorandum sent to County Engineer Paul Sponholz by an engineering firm that had been hired to provide services relating to the ESC Project, requesting additional funds for completion of services that had been contracted for.¹⁰² The only other explanation offered by Complainants relating to these allegations states:

EAW Process Violations – Steele County

- On May 13, 2025, Sponholz told commissioners no votes should occur until the EAQ was complete and approved. He then listed these tasks as “necessary” for the EAW so commissioners would approve the contract, before he left the county for a job as City Engineer in Cottage Grove. (Mismatched data)
- Supporting data to justify these changes are not included.¹⁰³

The relationship between the facts shown in the Memorandum, the claims in the ‘Comments’ column, and the three statutory violations alleged is fundamentally unclear. While it is obvious that the Complainants have put enormous time and energy into their filings, at many points they simply do not provide enough explanation of how the memorandum connects to the statutory violations alleged.

In a similar vein, Complainants allege multiple statutory violations based on a data request made to the County for data regarding a Joint Transportation Committee—despite their own notes stating that this committee is run by the City of Owatonna. Nothing in the record indicates this would be data held by, or connected to, the County.¹⁰⁴ This issue of vague, or incomplete allegations also arises in those stemming from Complainants’ May 15, 2025, Data Preservation email, as the MGDPA does not provide a process for the public to make requests of this sort to government entities, and Complainants provide no explanation of how violations of the Act can result.

F. Allegations of Statutory Violations Stemming from Facts Outside Requests for Data

The final five sections of the Amended Supporting Documentation, titled Data Obstruction, Public Interactions, Open Meeting Data Violations, County Minutes, Obstruction, and Barriers, all allege statutory violations stemming from a range of facts, communications, and interactions not directly tied to the Complainants’ requests for government data under the MGDPA.¹⁰⁵

¹⁰² Amended Supporting Documentation at 46; Ex. 31.

¹⁰³ Amended Supporting Documentation at 46.

¹⁰⁴ Amended Supporting Documentation at 58–65.

¹⁰⁵ Amended Supporting Documentation at 102–165.

The Data Obstruction section details emails, County Board and Owatonna City Council meeting information, and transcribed interactions between the Complainants and County Officials, from May 9, 2024, through April 19, 2025.¹⁰⁶ Complainants allege a total of 140 violations of the MGDPA based on these facts.¹⁰⁷ None of these allegations are sufficient to support a finding of probable cause. For example, Complainants allege a total of 86 statutory violations stemming from a conversation with multiple County staff following a public meeting in April, 2025.¹⁰⁸ This transcript, which essentially details an argument between the parties over the facts of this case, does not give rise to statutory violations. Repetition of the same facts, claims, or positions in multiple conversations does not generate distinct violations of the MGDPA. Beyond that, while it is clear that the parties' relationship has been severely damaged by their conflict over the infrastructure project that underlies this case, the existence or degree of that conflict does not itself support any probable cause for distinct violations of the MGDPA. As a result, all alleged statutory violations in this section are dismissed for lack of probable cause.

The Public Meetings section of the Amended Supporting Documentation suffers from fundamentally identical issues as the Data Obstruction section—namely, that repetition of facts, claims, or positions by County officials across multiple conversations with the Complainants does not result in distinct violations of the MGDPA. This section discusses statements made by County Officials during public meetings, Q&A Sessions, in person meetings, and emails.¹⁰⁹ It involves no distinct requests for government data, no formal responses from the Responsible Authority regarding the Complainants' data requests, and no statements regarding the County's procedures for responding to requests for data not discussed elsewhere. As a result, all violations alleged in this section are dismissed for lack of probable cause.

The Open Meeting Data Violations section shows allegations tied entirely to County meetings, meeting minutes, and access thereto.¹¹⁰ No requests for government data or related responses from the County are included. The allegations are largely tied to delays in posting of information regarding when meetings are taking place, delays in posting the minutes from meetings, and allegations that the minutes from such meetings are inaccurate or incomplete.¹¹¹ There also is extensive discussion of residents being denied access to certain county meetings, or decisions by County officials to change meetings from public to private.¹¹² None of these facts are sufficient to support a determination that the MGDPA has been violated within the context of a Complaint filed under Minn. Stat. § 13.085, and as a result all allegations in this section are dismissed.

The section on County Minutes exclusively features disputes over facts and characterizations of interactions included in published minutes from County meetings

¹⁰⁶ Amended Supporting Documentation at 102–129.

¹⁰⁷ Amended Supporting Documentation at 102–129.

¹⁰⁸ Amended Supporting Documentation at 113–127.

¹⁰⁹ Amended Supporting Documentation at 130–135.

¹¹⁰ Amended Supporting Documentation at 136–141.

¹¹¹ Amended Supporting Documentation at 136–138.

¹¹² Amended Supporting Documentation at 139–141.

between February, 2024, and April, 2025.¹¹³ Allegations of this sort – that the statements included in government data are inaccurate – are beyond the purview of complaints filed under Minn. Stat. § 13.085, and as a result all allegations in this section must be dismissed.¹¹⁴

The Obstruction section of the filing exclusively discusses communications between the parties regarding a petition brought by the Complainants regarding the East Side Corridor Project and associated speed limits.¹¹⁵ The County's responses indicate that 1) no formal process exists for making "petitions" of the sort discussed by the Complainants, 2) that an alternative process is available by sending a correspondence to the County Board, and 3) that for any further information regarding speed limits and associated studies a formal data request should be made.¹¹⁶ Statements that a petition process does not exist, or refusal to provide legal advice regarding requesting changes to speed limits, do not violate Minn. Stat. § 13.03.¹¹⁷ None of the allegations in this section are sufficient to support a finding of probable cause that the MGDPA was violated.

The final section of the Amended Supporting Documentation is titled Barriers, and shows emails between the Complainants and Sean P. Murphy, who appears to be an employee of the City of Owatonna.¹¹⁸ Mr. Murphy answers the questions that were sent, and also includes a County employee on his response – who then follows up with a reminder that requests for documentation by the Complainants relating to the East Side Corridor Project should be sent to the Responsible Authority for the County, County Attorney Jarrett.¹¹⁹ Nothing in the provided communications constitute a violation of Minn. Stat. §§ 13.02 or 13.03.¹²⁰ As a result, the allegations in this section are dismissed for lack of probable cause.

G. Claims Proceeding to a Full Hearing

i. Charging for Copies of Inspected Data

The MGDPA's procedures for access to government data by the public broadly fall into two categories: inspection of the data or receiving a copy of the data.¹²¹ Additional specific statutory language exists defining the conditions under which the public can be charged a fee for access to government data.¹²² Pursuant to Minn. Stat. § 13. 03, subd. 3(a), "[u]pon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access

¹¹³ Amended Supporting Documentation at 142–145.

¹¹⁴ Compare Minn. Stat. § 13.085 with Minn. Stat. § 13.04, subd. 4 (2024) (detailing the process for challenging the accuracy and completeness of government data).

¹¹⁵ Amended Supporting Documentation at 146–158.

¹¹⁶ Amended Supporting Documentation at 146–158.

¹¹⁷ Amended Supporting Documentation at 146–158.

¹¹⁸ Amended Supporting Documentation at 160–163 (Mr. Murphy's formal job title is never stated, but his email address ending in Owatonna.gov supports the conclusion that he works for the City of Owatonna.).

¹¹⁹ Amended Supporting Documentation at 161–163.

¹²⁰ Amended Supporting Documentation at 161–163.

¹²¹ See generally Minn. Stat. § 13.03.

¹²² Minn. Stat. § 13.03.

for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.”¹²³ Additionally, data inspection “includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity.”¹²⁴ Beyond requests for inspection, a responsible authority must:

provide copies of public data on request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. However, if 100 or fewer pages of black and white, letter or legal-size paper copies are requested, actual costs shall not be used, and instead the responsible authority may charge no more than 25 cents for each page copied.¹²⁵

Multiple of the Complainants’ data requests to the County were specifically to inspect the data – with multiple such inspections taking place at County offices and on County computers.¹²⁶ In arranging these inspections, the County informed the Complainants that its MGDPA procedures included charging a fee for any copy of inspected data produced by the requestor—meaning that if during inspection the requestor took a picture of the data with their phone, a fee of \$0.25 per photo would be assessed by the County.¹²⁷ Complainants allege that this is a violation of the MGDPA.¹²⁸

Charging fees for copies of data under the MGDPA explicitly contemplates that those copies are being created *by the government entity*.¹²⁹ Inspections do not include printing copies “by the government entity.”¹³⁰ Only when the responsible authority “shall provide copies” of data upon request may a fee be charged. These fees are all related to *the act of creating the copy*. Here, the County’s procedure involves charging for copies that they neither printed nor created. Based on the language of Minn. Stat. § 13.03, probable cause exists to believe that the County’s procedure violates the MGDPA.

ii. Ordering of Responses to Data Requests

The MGDPA requires that government entities “establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner.”¹³¹ In *Webster v. Hennepin County*, the Minnesota Supreme Court held that since what the MGDPA requires is the establishment

¹²³ Minn. Stat. § 13.03, subd. 3(a).

¹²⁴ Minn. Stat. § 13.03, subd. 3(b).

¹²⁵ Minn. Stat. § 13.03, subd. 3(c).

¹²⁶ Amended Supporting Documentation at 9-21.

¹²⁷ See, e.g. Ex. 5 at E-84.

¹²⁸ Amended Supporting Documentation at 10.

¹²⁹ See Minn. Stat. § 13.03, subd. 3.

¹³⁰ Minn. Stat. § 13.03, subd. 3(b).

¹³¹ Minn. Stat. § 13.03, subd. 2(a).

of procedures, “it follows, then, that when the procedures are followed and the requested data are not made available appropriately or promptly, the ‘established procedures’ do not *insure* that government data are properly available.”¹³²

The County’s initial responses to the data requests—specifically the April 9, 2025, Funds Transfer Request, May 6, 2025 Codes & Policies Request, and May 6, 2025 ESC Communications requests – all reference the existence of the Complainants’ prior requests as the reason for the lengthy estimated response time.¹³³ On June 3, 2025, County Attorney Jarrett also informed the Complainants that the County “will continue to respond to the data requests in the order in which they were received.”¹³⁴ The Complainants allege that this procedure fails to meet the requirements of Minn. Stat. § 13.03, subd. 2(a).¹³⁵

The burden placed on government entities by the MGDPA is undoubtedly large. This is particularly true in the context of multiple requests, and in the context of very broad requests – both of which exist in this matter. At the same time, the Complainants’ request on May 6, 2025, was for a total of three high-level, and assumedly publicly available, policy documents.¹³⁶ The timeline for responding to that request was “estimated fall/winter,” for the sole reason that the Complainants had also made other data requests. Based on the record available, there is probable cause that the County’s procedure of responding to data requests exclusively in the order in which they are received, in the context of the Codes and Policies data request, violates the MGDPA by not ensuring a prompt response.

iii. Inappropriate Responses to Data Requests

Beginning in February of 2025, Complainants were informed that they should direct all requests for data or questions regarding the East Side Corridor Projects to either County Attorney Jarrett and County Administrator Fry.¹³⁷ This procedure, however, has resulted in multiple delayed or inappropriate responses to the Complainants’ data requests:

- After being informed that their initial request for data relating to the Joint Transportation Committee was faulty, a second, edited data request has not been responded to in any way despite multiple requests for confirmation of receipt, and despite verbal confirmation from Administrator Fry that the modified request was acceptable.¹³⁸

¹³² *Webster v. Hennepin County*, 910 N.W.2d 420, 431 (Minn. 2018).

¹³³ Ex. 51; Ex. 54 at E-297; Ex. 56.

¹³⁴ Ex. 58.

¹³⁵ See, e.g. Amended Supporting Documentation at 83.

¹³⁶ Ex. 53 at E-292.

¹³⁷ Ex. 13 at E-106 (The Administrative Law Judge notes that Complainants allege this procedure itself constitutes a violation of the MGDPA by virtue of being a “denial of access to staff.” No such access is required by the MGDPA, and no probable cause is found for those alleged violations.).

¹³⁸ Amended Supporting Documentation at 58-65. The details relating to the Joint Transportation Committee request highlight the breakdown in communication between the parties, and how that contributed to the circumstances giving rise to the Complaint.

- Following the Noise Studies Request on April 2, 2025, follow-up emails from Complainants explicitly requesting confirmation of receipt went without response for approximately two and a half weeks.¹³⁹
- On April 14, 2025, County Attorney Jarrett responded to the Complainants' Funds Transfer Request by stating that it "is not a data request as it is vague and calls for answers to questions" and thus would be closed.¹⁴⁰

Once a data request has been properly made, the government entity is required to provide an appropriate and prompt response.¹⁴¹ Under Minn. Stat. § 13.03 this means either providing the data, informing the requester that the data requested does not exist or is not in the possession of the government entity, or that access to the data is being denied, along with a citation to the "specific statutory section, temporary classification, or specific provision of federal law on which the determination is based."¹⁴² The County's procedure requiring East Side Corridor-related communications from the Complainants to go through County Attorney Jarrett appears to, on multiple occasions, have failed to ensure an appropriate or prompt response. As a result, there is probable cause to believe the examples listed above violated Minn. Stat. § 13.02, subd. 2(a).

V. Conclusion

Fundamentally it appears that the possible statutory violations, and more broadly the facts of this case in its entirety, flow mostly from the high degree of conflict exhibited by the parties. It is also clear that County staff have devoted extensive time and energy since October 2024, in responding to Complainants' requests for data. As these proceedings continue it is of the utmost importance that both parties engage with the Court, and one another, in good faith. Based on the Complaint, its Amended Supporting Documentation, and the County's Response, there is probable cause to believe that the alleged violations of the MGDPA detailed in Section **IV(G)** above occurred. As a result, those claims will proceed to a full hearing, the details of which will be ordered separately.

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¹³⁹ Amended Supporting Documentation at 68-69.

¹⁴⁰ Ex. 52 at E-291.

¹⁴¹ Minn. Stat. § 13.03, subd. 2(a).

¹⁴² Minn. Stat. 13.03, subd. 3.